

1 Andréa L. Vieira, Esq.
2 Nevada Bar No. 15667
3 THE VIEIRA FIRM, PLLC
4 601 So. 7th Street
5 Las Vegas, Nevada 89101
6 Telephone: (702) 820-5853
7 Facsimile: (702) 820-5836
8 Andrea@TheVieiraFirm.com

9
10 Lauren Bonds, Esq. (*admitted pro hac vice*)
11 Keisha James, Esq. (*admitted pro hac vice*)
12 Eliana Machefsky, Esq. (*admitted pro hac vice*)
13 NATIONAL POLICE ACCOUNTABILITY PROJECT
14 1403 Southwest Blvd.
15 Kansas City, KA 66103
16 Telephone: (202) 557-9791
17 legal.npap@nlg.org
18 Keisha.npap@nlg.org
19 Fellow.npap@nlg.org

20
21 *Attorneys for Plaintiff*

22
23 **UNITED STATES DISTRICT COURT**
24 **DISTRICT OF NEVADA**

25
26 ASHLEY O'NEIL,

27 Plaintiff,

28 vs.

29 LAS VEGAS METROPOLITAN POLICE
30 DEPARTMENT, et al.,

31 **Case No.: 2:22-cv-00474-ART-BNW**

32 Defendants.

33
34 **STIPULATION TO EXTEND DISCOVERY DEADLINES**
35 **(Third Request)**

36 IT IS HEREBY STIPULATED AND AGREED between the parties through
37 their respective counsel that the discovery deadlines in this matter be extended as
38 set forth below.

39
40 **I. DISCOVERY COMPLETED TO DATE:**

41 All parties have provided their initial Rule 26, Disclosures. Supplemental

1 disclosures have been provided as follows:

2 1. Defendant LVMPD's Supplemental Disclosures:

3 a. First Supplement: July 25, 2023

4 b. Second Supplement: October 2, 2023

5 2. Defendant Wellpath's Supplemental Disclosures:

6 a. First Supplement: December 3, 2023

7 b. Second Supplement: December 6, 2023

8 Defendant LVMPD served Interrogatories and Requests for Production on
9 Plaintiff on September 27, 2023. Plaintiff served responses on November 10, 2023.
10 Defendant LVMPD served Requests for Admission on Plaintiff on January 31, 2024.
11 Plaintiff's responses are currently due on April 1, 2024.

12 Plaintiff has provided Defendants with executed medical authorizations.

13 Defendant LVMPD issued subpoenas to University Medical Center of
14 Southern Nevada UMC, Orthopaedic & Spine Institute, G. Mark Sylvain, M.D.,
15 Orthopaedic Specialists of Nevada, LLC, Michael T. Monroe, M.D., Hanger
16 Prosthetics & Orthotics, Inc. dba The Hanger Clinic, Desert Radiologists, Inc. dba
17 Desert Radiology, Nevada Department of Corrections, Florence McLure Women's
18 Correctional Center, City of Las Vegas, Las Vegas Fire & Rescue, American Medical
19 Response, Inc. aka "AMR," Medicwest Ambulance, Inc., Clark County Fire
20 Department, Nevada Department of Public Safety, Nevada State Police (fka
21 Nevada Highway Patrol) on December 1, 2023.

22 Defendant LVMPD issued subpoenas to Geico Insurance and Progressive
23 Casualty Insurance Company on January 29, 2024.

24 **II. DISCOVERY YET TO BE COMPLETED**

25 1. Deposition of Plaintiff

26 2. Depositions of Defendants

27 3. Depositions of FRCP 30(b)(6) witnesses

28 4. Depositions of percipient witnesses

- 1 5. Deposition of treating providers
- 2 6. Expert discovery, including expert disclosures and depositions
- 3 7. Additional written discovery as needed
- 4 8. Subpoenas to third parties for records and information

5 **III. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED**
6 **WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN**

7 This is a complex 42 U.S.C. § 1983 case. Plaintiff has the following claims:

- 8 1. Violations of 42 U.S.C. § 1983 for violations of the Fourteenth and Eighth
9 Amendments of the United States Constitution against Doe Nurse Coco,
10 and Doe Officers and Nurses.
- 11 2. Violations of the Nevada Constitution
- 12 3. *Monell* liability against LVMPD and Wellpath
- 13 4. Negligence against LVMPD and Wellpath
- 14 5. Concert of Action
- 15 6. Negligent Infliction of Emotional Distress

16 The parties have been diligent in proceeding with discovery in this matter.

17 Plaintiff's medical treatment is extensive and has continued from her pre-trial
18 detention through the present. Part of Plaintiff's damages also include a permanent
19 disability resulting from Defendants' conduct. The extent of this disability is yet to
20 be determined as Plaintiff is still undergoing treatment while she is incarcerated.

21 Because of Plaintiff's incarceration, communication with Plaintiff is delayed.
22 It takes several days, and sometimes weeks, to correspond with Plaintiff and obtain
23 necessary signatures and information.

24 In addition, Defendant Wellpath recently changed counsel. As noted in prior
25 stipulations submitted to this Court,¹ Wellpath's prior counsel had health issues
26 that required surgery and experienced significant complications requiring an

27
28 ¹ ECF Nos. 47 and 49

1 extended recovery time.² Wellpath's new counsel, Ethan Featherstone, Esq.,
 2 entered an appearance on March 14, 2024.³

3 Moreover, Plaintiff also obtained new counsel, Lauren Bonds, Esq., Keisha
 4 James, Esq., and Eliana Machefsky, Esq., whose *pro hac vice* applications were
 5 granted on March 14, 2024⁴ and March 18, 2024.⁵

6 The parties anticipate extensive medical and expert discovery. There are
 7 numerous depositions that need to take place in advance of expert discovery
 8 including the depositions of Plaintiff, Plaintiff's treating physicians, each
 9 defendant, percipient witnesses, and FRCP 30(b)(6) witnesses. Additional discovery
 10 needs to take place to identify Doe Nurse Coco and the Doe Officers and Nurses.

11 Now that new counsel has entered an appearance, the parties can commence
 12 this discovery and jointly propose the following schedule:

13 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING
 14 DISCOVERY**

15 The parties jointly propose the following discovery plan:

	<u>Current Date</u>	<u>Proposed Date</u>
17 Discovery Cut-Off:	July 26, 2024	October 24, 2024
18 Final date to file motions to amend 19 pleadings or add parties: ⁶	February 22, 2024	May 22, 2024
20 FRCP 26(a)(2) Expert Disclosures:		
21 i. Initial disclosure: ⁷	May 27, 2024	August 26, 2024
22 ii. Rebuttal disclosure: ⁸	June 26, 2024	September 24, 2024
23 Dispositive Motions:	August 26, 2024 ⁹	December 2, 2024 ¹⁰

24 _____
 25 ² ECF No. 43, 3:4-7 and ECF No. 47, 3:10-13

26 ³ ECF No. 52

27 ⁴ ECF Nos. 54 and 55

28 ⁵ ECF No. 59

⁶ 90 days before discovery cut-off

⁷ 60 days before discovery cut-off

⁸ 30 days after initial disclosures

⁹ 30 days after discovery cut-off

¹⁰ This date has been extended beyond 90 days to account for the Thanksgiving holiday.

	<u>Current Date</u>	<u>Proposed Date</u>
1		
2	Joint Pre-Trial Order: September 25, 2024 ¹¹	January 2, 2025 ¹²
3	If no dispositive motions are filed, the Joint Pretrial Order shall be filed by	
4	Friday, January 2, 2025, which is no later than thirty days after the date set for the	
5	filing of dispositive motions. In the event dispositive motions are filed, the date for	
6	filing the Joint Pretrial Order shall be suspended until thirty days after the decision	
7	on the dispositive motions or by further order of the court.	
8	The parties anticipate that, pending any unforeseen circumstances outside	
9	the parties' control, the above extension of the current discovery deadlines should	
10	allow the parties to conduct and complete the outstanding discovery.	
11	///	
12	///	
13	///	
14	///	
15	///	
16	///	
17	///	
18	///	
19	///	
20	///	
21	///	
22	///	
23	///	
24	///	
25	///	
26	///	
27		

28 ¹¹ 30 days after dispositive motions

¹² This date has been extended beyond 90 days to account for the Christmas holiday.

1 This is the third request for an extension of the current discovery deadlines.
2 It is made by the parties in good faith and not for the purpose of delay.
3

4 DATED: March 26, 2024.

5 **THE VIEIRA FIRM**

6 By: /s/ Andréa L. Vieira
7 Andréa L. Vieira, Esq.
8 Nevada Bar No. 15667
9 601 So. 7th Street
10 Las Vegas, Nevada 89101
11 Andrea@TheVieiraFirm.com
12 Attorney for Plaintiff

13 DATED: March 26, 2024.

14 **KAEMPFER CROWELL**

15 By: /s/ Lyssa S. Anderson
16 Lyssa S. Anderson, Esq.
17 Nevada Bar No. 5781
18 Ryan W. Daniels, Esq.
19 Nevada Bar No. 13094
20 1980 Festival Plaza Dr., Ste. 650
21 Las Vegas, Nevada 89135
22 landerson@kcnvlaw.com
23 rdaniels@kcnvlaw.com
24 Attorneys for Defendant LVMPD

25 DATED: March 26, 2024.

26 **NATIONAL POLICE
27 ACCOUNTABILITY PROJECT**

28 By: /s/ Eliana Machebsky
1 Lauren Bonds, Esq.*
2 Keisha James, Esq.*
3 Eliana Machebsky, Esq.*
4 1403 Southwest Blvd.
5 Kansas City, KA 66103
6 Telephone: (202) 557-9791
7 legal.npap@nlg.org
8 Keisha.npap@nlg.org
9 Fellow.npap@nlg.org
10 Attorney for Plaintiff

11 *admitted *pro hac vice*

12 DATED: March 26, 2024.

13 **LEWIS BRISBOIS
14 BISGAARD & SMITH LLP**

15 By: /s/ Ethan M. Featherstone
16 S. Brent Vogel, Esq.
17 Nevada Bar No. 6858
18 Ethan M. Featherstone, Esq.
19 Nevada Bar No. 11566
20 6385 S. Rainbow Blvd., Ste. 600
21 Las Vegas, Nevada 89118
22 Telephone: 702.893.3383
23 Facsimile: 702.893.3789
24 Brent.Vogel@lewisbrisbois.com
25 Ethan.Featherstone@lewisbrisbois.com
26 Attorney for Defendant Wellpath

27 **ORDER**

28 IT IS SO ORDERED.

29 
30 UNITED STATES MAGISTRATE JUDGE

31 DATE: 3/27/2024